



The Goa Right to Information Act, 1997

Act 28 of 1997

Keyword(s):

Information, Right to Information

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GOVERNMENT OF GOA
Department of Law and Judiciary
Legal Affairs Division

Notification
7-29-97/LA

The Goa Right to Information Act 1998 (Goa Act 28 of 1997), which has been passed by the Legislative Assembly of Goa on 31-7-1997 and assented to by the Governor of Goa on 29-10-1997, is hereby published for general information of the public.

P.V.Kudnekar, Joint Secretary (Law)
Panaji, 2nd December 1997

THE GOA RIGHT TO INFORMATION ACT, 1997
[Goa Act No 28 of 1997] [29-10-1997]

An

ACT

To make provision for securing Right to Information in the State of Goa and for matters relating thereto.

Whereas it is necessary that every Governmental action should be transparent to the public;

And Whereas to achieve this object, every citizen should be able to get information from the Government;

Be it enacted by the Legislative Assembly of Goa in the Forty-eighth Year of the Republic of India as follows: -

1. Short title and commencement---(1) The Act may be called the Goa Right to Information Act, 1997.

2. Definitions -

(a) "Competent Authority" (see appendix) means any authority or officer notified by the Government for the purpose of the Act.

(b) "Government" means Government of Goa.

(c) "Information" means any material or information relating to affairs of the State or any local or other authorities constituted under any enactment passed by the

Legislative Assembly of Goa for the time being in force or a Statutory Authority or a Company, Corporation, Trust, Firm, Society or a Co-operative Society, or any Organisation funded or controlled by the Government or executing any public work or service on behalf of or as authorised by the Government;

(d) "Right to Information" means the Right to access to information and includes the inspection of works, documents, records, taking notes and extracts and obtaining certified copies of documents or records, or taking samples of material.

3. Right to Information--- Subject to the provisions of this Act, every citizen shall have right to obtain information from a Competent Authority.

4. Procedure for supply of information---

(1) A person desiring information shall make an application to the Competent Authority giving the particulars of the matter relating to which he seeks information;

Provided that where a person cannot, for valid reasons, make a request in writing, the Competent Authority may either accept an oral request which may subsequently be reduced in writing or render reasonable assistance to such person in making a written request.

(2) Upon receipt of an application requesting for an information, the Competent Authority shall consider it and furnish the information required by the applicant or pass orders thereon refusing the request as soon as practicable and in any case, within thirty working days from the date of receipt of application;

Provided that where such information relates to the life or liberty of an individual, the Competent Authority shall either furnish information or pass order refusing the request within 48 hours on receipt of the application.

(3) The information shall be supplied in writing either in English or in the Official Language.

5. Restrictions on Right to Information -- The Competent Authority may, for reasons recorded in writing, withhold

(a) Information, the disclosure or contents of which will prejudicially affect the sovereignty and integrity of India or security of the State or International relations or Public Order or administration of justice or Investigation of an offence or which leads to incitement to an offence;

(b) Information relating to an individual or other information, the disclosure of which has no relationship to any activity of the Government or which will not subserve any public interest and would constitute a clear and unwarranted invasion of personal privacy;

[(bb) papers containing advice, opinion, recommendations or minutes submitted to the Governor for discharge of his constitutional functions and any information, disclosure

of which, would prejudicially affect the conduct of the Centre-State relations, including information exchanged in confidence between the Centre and the Government or any of their authorities or agencies.] [Inserted by Amendment Act, 1997 (Goa Act No 1 of 1998)]

(c) Trade and commercial secrets or any other information protected by Law;

(d) Information whose release would constitute a breach of Parliament or Legislative Assembly Privilege;

[Provided that the Competent Authority shall, before withholding information under this clause, refer the matter to the Legislature Secretariat for determination of the issue and act according to the advice tendered by that Secretariat;

Provided further that no appeal shall lie under section 6 against an order withholding supply of information under this clause; [Inserted by Amendment Act, 1997 (Goa Act No 1 of 1998)]

(e) Information whose disclosure would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes or in public interest;

Provided that information which cannot be denied to the State Legislature shall not be denied to any person.

6. Appeal –

(1) Any person aggrieved by an Order of the Competent Authority, or any person who has not received any Order from the Competent Authority within thirty working days may appeal to the Administrative Tribunal constituted under the Goa Administrative Tribunal Act, 1965 (6 of 1965).

(2) The decision of the Administrative Tribunal shall be final.

(3) No order adversely affecting any person shall be passed except after giving that person a reasonable opportunity of being heard.

(4) Every appeal shall be disposed as expeditiously as possible and the endeavour shall be made to dispose of the appeal within 30 days from the date on which it is presented.

7. Obligation on Competent Authority-- Every Competent Authority shall be under a duty to maintain all its records, as per its operational requirements, duly catalogued and indexed and grant access to information, subject to the provisions of this Act to any citizen requesting for such access.

8. Penalties – (1) Any person responsible for providing any information under this Act shall be personally liable for furnishing the information within the period specified.

(2) Where a person responsible to supply information fails to furnish the information asked for under this Act within the time specified, [or furnishes any information which is false in any material particulars and which he knows or has reasonable cause to believe to be false or does not believe it to be true,] [Inserted by Amendment Act, 1997 (Goa Act No 1 of 1998)] he shall be liable, after such inquiry as may be necessary under the service rules applicable to him, for imposition of such penalties as may be determined by the disciplinary authority under such rules. In addition the disciplinary authority may order him to pay a fine of Rs 100/- for every day of delay after the day by which the information is required to be supplied.

[9,10...] [Omitted by Amendment Act, 1997 (Goa Act No 1 of 1998)]

11. State Council for Right to Information –

(1) The Government shall, by Notification in the Official Gazette, establish with effect from such day as specified in the Notification, a Council to be known as State Council for Right to Information.

(2) The State Council may consist of the following members --

- (a) the Minister-in-Charge of the Department of Administrative Reforms in the Government who shall be its Chairman; and
- (b) (i) such other official Members not exceeding four;
 - (ii) two MLAs to be nominated by the Speaker;
 - (iii) non-official Members not exceeding four representing journalists, Editors of Newspapers, News agencies, Non-Government Organisations;
- [(iv) non-official members not exceeding two other than those falling under item (iii) above. [Inserted by Amendment Act, 1997 (Goa Act No 1 of 1998)]
- (c) the time and place of the meeting of the Council shall be as the Chairman may decide and it shall observe such procedure as may be laid down by the council to transact its business.

(3) The object of the State Council shall be to promote right to information in the State and it shall deal with all matters related to right to information such as --

- (a) review the operation of the Act and rules made thereunder;
- (b) review of the administrative arrangements and procedures to secure for citizens the fullest possible access to information.
- (c) research and documentation as regards management of information with a view to improve the extent and accuracy of information being made available under the Act, and
- (d) to advise the Government on all matters related to right to information, including training, development and orientation of employees to bring in a culture of openness and transparency.

12. **Act to have over-riding effect**-- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other enactment of the Legislative Assembly of Goa, for the time being in force.

13. **Protection of action taken in good faith**-- No suit, prosecution or other legal proceedings shall lie against any person for anything done in good faith or intended to be done in pursuance of this Act.

14. **Charging of fees**-- The Competent Authority shall charge fees for supply of information which shall not exceed the cost of processing and making available of information.

Secretary Annexe,
Panaji,
Date: 2-12-1997

B.S.SUBANNA
Secretary to the Government of Goa
Law Department (Legal Affairs)

[Published in the Official Gazette (Extraordinary)
Series 1 No 36 dated 4-12-1997]

A P P E N D I X

GOVERNMENT OF GOA
Department of Information

Notification

DI/INF/Rgt.Inf.Bill/(3)/97

In exercise of the powers under clause (a) of section 2 of the Goa Right to Information Act, 1997 (Goa Act 28 of 1997) the Government of Goa hereby notifies, the authority/officer specified in the schedule appended hereto, as "Competent Authority" for the purpose of the said Act, in respect of the departments under their control

By order and in the name of the Governor of Goa.

K.V.Prabhugaonkar,
Director of Information & Publicity
& Ex-Officio Joint Secretary
Panaji, 23rd February, 1998.

SCHEDULE

Annexure

COMPETENT AUTHORITIES UNDER SECTION 2(a)
OF THE GOA RIGHT TO INFORMATION ACT 1997
(GOA ACT 28 OF 1997)

1. Director of Agriculture
2. Director of Accounts
3. Director of Animal Husbandry & Vet. Services
4. Director of Archives, Archaeology & Museum
5. Director of Art and Culture
6. Director of Civil Supplies & Price Control
7. Collector, Collectorate, North Goa, Panaji
8. Collector, Collectorate, South Goa, Margao
9. Registrar of Co-operatives
10. Director, Craftsman Training
11. Director of Education
12. Chief Engineer, Electricity
13. Director of Employment
14. Commissioner of Excise
15. Chief Inspector, Factories and Boilers
16. Director of Fire Services
17. Director of Fisheries
18. Conservator of Forests
19. Director, Food & Drugs Administration
20. Executive Editor, Goa Gazetteer
21. Director of Health Services
22. Director of Industries & Mines
23. Director of Information & Publicity
24. Director of Institute of Psychiatry & Human Behaviour
25. Chief Engineer, Irrigation
26. Commissioner of Labour
27. Director of Municipal Administration
28. District Registrar, Notary Services
29. Director of Panchayats
30. Director of Planning & Statistics
31. Inspector General of Police
32. Captain of Ports Administration
33. Director of Printing & Stationery
34. Director of Prosecution
35. Chief Engineer, Public Works Department
36. Director (Admin.), River Navigation
37. Commissioner, Sales Tax
38. Joint Secretary, Science, Technology & Environment
39. Director of Settlement and Land Records
40. Director of Social Welfare

41. Director of Sports and Youth Affairs
42. Director of State Institute of Education
43. Director of Technical Education
44. Director of Tourism
45. Chief Town Planner, Town and Country Planning
46. Director of Transport
47. Deputy Director, Vigilance
48. Controller, Weights and Measures (Legal Metrology)
49. Registrar, Administrative Tribunal
50. Curator, Central Library
51. Chief Engineer (Irrigation-Projects)
52. Chief Electoral Officer
53. Custodian, Evacuee Property
54. Principal, Goa College of Music
55. Principal, Goa College of Architecture
56. Principal, Goa College of Art
57. Resident Commissioner, Goa Sadan, New Delhi
58. Dean, Goa Dental College & Hospital, Bambolim
59. Principal, Goa College of Engineering, Farmagudi
60. Principal, Goa College of Home Science, Panaji
61. Dean, Goa Medical College & Hospital, Bambolim
62. Principal, Goa College of Pharmacy
63. Principal, Government Polytechnic, Altinho
64. Commandant General, Home Guards and Civil Defence
65. Inspector General, Prisons
66. Secretary, Rajya Sainik Board
67. Chief Officer, Bicholim Municipal Council
68. Chief Officer, Canacona Municipal Council
69. Chief Officer, Cuncolim Municipal Council
70. Chief Officer, Curchorem-Cacora Municipal Council
71. Chief Officer, Mapusa Municipal Council
72. Chief Officer, Mormugao Municipal Council
73. Chief Officer, Margao Municipal Council
74. Chief Officer, Panaji Municipal Council
75. Chief Officer, Ponda Municipal Council
76. Chief Officer, Pernem Municipal Council
77. Chief Officer, Quepem Municipal Council
78. Chief Officer, Sanguem Council
79. Chief Officer, Valpoi Municipal Council
80. Secretaries of Village Panchayats for the respective Village Panchayats
81. Special Secretary, GA, Protocol & Home
82. Joint Secretary, Finance
83. Joint Secretary, Personnel
84. Joint Secretary, Law
85. Member Secretary, Bal Bhavan
86. Managing Director, Economic Development Corporation
87. Secretary, Goa Board of Secondary & Higher Secondary Education
88. Managing Director, Goa Construction Housing and Finance Corporation

89. Managing Director, Goa State Backward Class Development Corporation
90. Managing Director, Goa Handicrafts Rural and Small Scale Industries Development Corporation
91. Managing Director, Goa Horticultural and Crops Plantation Development Corporation
92. Managing Director, Goa Housing Board
93. Managing Director, Goa Daman and Diu Industrial Development Corporation
94. Chief Executive Officer, Goa, Daman & Diu Khadi and Village Industries Board
95. Managing Director, Goa Meat Complex
96. Secretary, Goa Public Service Commission
97. Member Secretary, Goa State Pollution Control Board
98. Member Secretary, Goa State Commission for Backward Classes
99. Managing Director, Goa Tourism Development Corporation
- 100 Registrar, Goa University
- 101 Secretary, State Election Commission
- 102 Managing Director, Kadamba Transport Corporation
- 103 Member Secretary, Kala Academy
- 104 Member Secretary, Konkani Academy
- 105 Director, Provedoria
- 106 Member Secretary, Planning & Development Authority, North Goa
- 107 Member Secretary, Planning & Development Authority, South Goa
- 108 Member Secretary, Planning & Development Authority, Vasco
- 109 Project Director, Rural Development Agency
- 110 Executive Director, Sports Authority of Goa
- 111 Registrar, District Forum for Redressal of Consumer Disputes, North Goa District
- 112 Registrar, District Forum for Redressal of Consumer Disputes, South Goa District
- 113 Registrar, State Commission for Redressal of Consumers Disputes.

[Published in the Official Gazette, Series I, No 49 dated 5-3-98.]